Issues clarification re. the discontinuance of the Scheme regarding the grant of educational concessions to the children and dependents of Service Personnel in the Army, the Navy and the Air Force.

READ—

1. Government Order No. ED 93 SCL 62, dated 6th September 1963.
2. Government Order No. ED 8 CDP 68, dated 4th September 1968.
3. Letter No. SI 6475-270/68-69, dated 9th December 1968 from the Director of Public Instruction in Mysore, Bangalore.

PREAMBLE—

According to Government Order No. ED 8 CDP 68, dated 4th September 1968, read above the scheme regarding the grant of educational concessions to the children and dependents of Service Personnel sanctioned in Government Order No. ED 93 SCL 62, dated 6th September 1963 as amended from time to time should be discontinued from the year 1969-70 and the educational concessions already sanctioned to the students under the scheme should however, be continued till they complete the course for which they were sanctioned. The Director of Public Instruction in Mysore, Bangalore has requested for clarification regarding the courses.

ORDER No. ED 84 CDP 68, BANGALORE, DATED THE 23RD JANUARY 1969.

Government are pleased to direct that the following courses should be considered as different courses for the purpose of discontinuance of the educational concessions under the scheme for grant of educational concessions to the children and dependents of Service Personnel, from the year 1969-70, under the orders issued in Government Order No. ED 8 CDP 68, dated 4th September 1968 read above :—

(1) Primary Course	Standards I to VII.
(2) Secondary Course	Standards VIII to X.
(3) P.U.C. or XI Standard	One year.
(4) Degree course	Three years for B.A., B. Sc., or B. Com. and 5 years for B.E. 5½ years for M.B.B.S. etc.,
(5) Diploma	Three years.

By Order and in the name of the Governor of Mysore,

L. G. DESAI,

Under Secretary to Government,
Education Department.

HOME SECRETARIAT

Instructions issued regarding furnishing of records to the Special Police Establishment.

READ—

(1) Government Order No. HD 60 PEG 59, dated 2nd November 1960.

(2) Letter No. LAW E 1-99/68 dated 28th June 1968 from the Inspector General of Police, Mysore State, Bangalore.

ORDER No. HD 383 PCC 68, BANGALORE, DATED THE 13TH JANUARY 1969.

The Inspector General of Police, in his letter second cited, has reported that in Government Order No. HD 60 PEG 59, dated 2nd November 1960, members of the Delhi Special Police Establishment of or above the rank of Sub-Inspector investigating at any place in this State any offence specified in Government of India, Ministry of Home Affair's Notification No. 7/5/55 AUD, dated 6th November 1956 as amended from time to time, issued under Section 3 of the Delhi Special Police

Establishment Act, 1946, have the powers of the officer in charge of Police Station in any area in this State and that when in the exercise of those powers, any documents in the custody of the officers of this Government are requisitioned under Section 91 (1) Cr. P.C., the officer receiving the requisition should obtain the permission of the Head of the Department or the appropriate officer before furnishing any document which falls within the scope of Sections 123 and/or 124 of the Indian Evidence Act, 1872, and that general instructions in this behalf may be issued by the Government. The Government have carefully considered the question and are pleased to direct as follows :—

Members of the Delhi Special Police Establishment in the exercise of their powers vested in them by the Notification first cited, are competent to make written orders under sub-section (1) of Section 94 of the Code of Criminal Procedure requiring the production of documents or other things necessary or desirable for the purpose of investigation. Sub-Section (3) of Section 94 provides that nothing in that Section shall be deemed to affect the Indian Evidence Act, 1872, sections 123 and 124. Sections 123 and 124 relate to disclosur of unpublished official records relating to affairs of State and communications made to public officers in official confidence. In respect of these documents, privilage may be claimed for production in a court of law. If a public officer is required to produce a document falling within the scope of Section 123 or Section 124 by a Written Order made by the officer in charge of a Police Station, that public officer is expressly prohibited from producing the document except with the permission of the Head of the Department or the public officer to whom the communication is made in official confidence. It is, therefore, necessary that when records in the custody of officers of the State Government are requisitioned by members of the Delhi Special Police Establishment under Section 94 (1) of the Code of Criminal Procedure, 1898, the officer receiving the requisition must apply his mind whether the document in respect of which requisition is made, falls under Section 123 or section 124 of the Indian Evidence Act and then if the document falls within the scope of Section 123 or Section 124, he must also obtain the permission of the Head of the Department in the case of unpublished official records relating to affairs of State or the appropriate public officer in the case of communications made in the official confidence.

Government, therefore, direct all Heads of the Departments and Deputy Commissioners of the Districts that permission of the Head of the Department or appropriate officer should be obtained in the case of documents falling within the scope of Sections 123 and 124 of the Indian Evidence Act, 1872, before any such document is furnished to any member of the Delhi Special Police Establishment in compliance with the written order made by such member under Section 91 (1) of the Code of Criminal Procedure, 1898.

It should, therefore, be ensured that whenever records are furnished from any subordinate office, the Head of the Department shall make a report to the Government in the concerned Administrative Department of the Secretariat about the records furnished and brief description of contents of those records. Similarly, if records are taken from the Office of a Head of the Department, the Head of the Department should inform the Government in the concerned Administrative Department of the Secretariat. Likewise, if any records are taken from any Department of the Secretariat information should be given to the Chief Secretary and the Minister concerned by the Secretary of the concerned Department.

By Order and in the name of the Governor of Mysore,

C. R. SUBBA RAO,

Under Secretary to Government,
Home Department.